

HOUSE BILL 2064
By Eckles

AN ACT relative to the registration of certain horses together with the collection of a fee for the development and maintenance of horse trails.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The title of this act is and may be cited as the "Marty Luffman Trails Act".

SECTION 2. As used in this act:

(1) "Domestic horse" means a horse owned, kept, and ridden by a Tennessee resident.

(2) "Foreign horse" means a horse owned, kept, and occasionally ridden on Tennessee trails by an out-of-state resident.

(3) "Show horse" means a horse owned, kept and used specifically and exclusively in competition in a show ring setting. Any horse competing in any sport or any activity defined as competitive (i.e. endurance racing, fox hunting, competitive trail riding), and using Tennessee public land, regardless of the extent, is excluded from the definition of show horse and shall be defined for all other purposes as a trail horse.

(4) "Trail horse" means a horse used for recreational purposes on public Tennessee trails and/or land, notwithstanding land without defined trails.

(5) "Work horse" means a horse that does not leave the owner's premises and is not required under Tennessee Code Annotated, Section 44-7-403, to be tested for Equine Infectious Anemia. Should this horse have a dual purpose, one of which is recreation, it shall be designated a trail horse.

SECTION 3.

(a) At the time a horse is annually tested and is issued a certificate for Equine Infectious Anemia, commonly referred to as a Coggins certificate, each such animal, meeting all the definitions of a trail horse shall be registered with the state of Tennessee, and the owner assessed a ten dollar (\$10.00) registration fee to be used for the development of and maintenance of horse trails. A permit shall be issued at the time the registration fee is paid. Should the status of a show horse change to that of trail horse, the owner shall obtain registration classifying the horse as a trail horse, obtain a current Coggins certificate and be issued a permit.

(b) A permit for registration shall be issued by the veterinarian testing the animal on forms developed by the department of environment and conservation. The veterinarian shall collect the registration fee at the time the Coggins certificate is issued and forward eight dollars (\$8.00) of such fee to the department of environment and conservation in such manner and on such forms as the department of environment and conservation shall determine. The fees collected under this act shall be earmarked for the development and maintenance of horse trails and deposited in a special agency account established in the general fund for such purposes in accordance with the provisions of Sections 6 and 7.

(c) The fees collected under this act shall be due and payable no later than the twentieth (20th) day of each month for the preceding month. For purposes of compensating the veterinarian for issuing the permit and remitting the fee levied by this act, the veterinarian shall be allowed to retain two dollars (\$2.00), provided the amount due was not delinquent at the time of payment.

(d) It is the duty of every veterinarian liable for the collection and payment to the department of environment and conservation of any fee imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of

fees due and payable to the state. The comptroller has the right to inspect such records at all reasonable times.

SECTION 4. Fees collected by a veterinarian which are not remitted to the department of environment and conservation on or before the due date are delinquent. A veterinarian is liable for interest on such delinquent amounts from the due date at the rate of twelve percent (12%) per annum and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such fees are delinquent. Such interest and penalty shall become a part of the fees required to be remitted. Each occurrence of willful refusal of a veterinarian to collect or remit the fee or willful refusal of an owner to pay the fee imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00) for each violation.

SECTION 5.

(a) (1) The rider of a horse required to be registered under this act shall have the required permit in the immediate possession at all times when using the horse trails of this state and shall display the same, upon demand of a law enforcement officer. A violation of this requirement is a Class C misdemeanor punishable only by a fine.

(2) The rider of a foreign trail horse is not exempt from registering his horse, and obtaining a Coggins certificate and permit. Such person shall be considered in violation of law if such permit and/or certificate cannot be provided on demand by any law enforcement officer. The rider of a foreign horse is responsible for soliciting the services of a veterinarian to comply with this act. The fee for a foreign horse is the same as that for a Tennessee trail horse.

(b) Notwithstanding the provisions of Tennessee Code Annotated, Section 40-24-106(b), nine dollars and fifty cents (\$9.50) of each fine collected pursuant to subsection (a) shall be transmitted by the clerk to the treasurer of the state of Tennessee to be deposited in the general fund. For services in transmitting such amount, the clerk is entitled to retain fifty cents (\$.50) as a commission.

SECTION 6. The fees collected under this act shall be available to and for use by the department of environment and conservation for the development and maintenance of horse trails. The department is also authorized to issue grants from such fees to non-profit organizations for such purposes.

SECTION 7. (a) There is hereby established within the general fund a special agency account to be known as the "horse trail development and maintenance fund", hereinafter referred to as the "fund".

(b) No funds generated by this act are to be expended on trails not allowing horse traffic.

(c) Any unencumbered funds and any unexpended balance of this fund remaining at the end of any fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with the provisions of this act. No funds may be transferred temporarily or permanently to any other fund account for any purpose that is not for the development and maintenance of horse trails.

(d) Interest accruing on investments and deposits of the fund shall be returned to the fund and remain a part of the fund.

SECTION 8. For purposes of developing the necessary forms and procedures, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1996, the public welfare requiring it.

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